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LOK SABHA

The following Bills were introduced in Lok Sabha on the 24th March, 1961:—

BILL No. 19 OF 1961

A Bill further to amend the Gift-Tax Act, 1958.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gift-Tax (Amendment) Act, 1961. Short title and commencement.

5 (2) It shall come into force at once.

2. In section 22 of the Gift-Tax Act, 1958 (hereinafter referred to as the principal Act), in sub-section (2), the following words shall be omitted, namely:— Amendment of section 22.

10 “but the Appellate Assistant Commissioner may admit an appeal after the expiration of the period aforesaid if he is satisfied that the appellant had sufficient cause for not presenting the appeal within that period”.

3. In section 23 of the principal Act, sub-sections (3), (6), (7) and (8) shall be omitted. Amendment of section 23.

15 4. In section 25 of the principal Act, in sub-section (3), for the figures, brackets and words “(3) and (5) to (10)” the figures, brackets and the word “(5) and (10)” shall be substituted. Amendment of section 25.

5. In section 26 of the principal Act, sub-section (2) shall be omitted. Amendment of section 26.

20 6. In section 35 of the principal Act, in sub-section (1), after the words “be punishable with”, the words “imprisonment for a term which may extend to three months or with” shall be inserted. Amendment of section 35.

STATEMENT OF OBJECTS AND REASONS

Under the provisions of the present Act the assessee can appeal against the orders of Gift-tax Officers even after the date of expiry of appeal. He can also apply for reference to arbitration the question of disputed value of taxable gifts. This results in delaying the dispute regarding the fixation of value of taxable gifts. The purpose of the present Bill is therefore to delete these provisions so as to avoid the delay thus caused.

NEW DELHI;

RAM KRISHAN GUPTA.

The 14th February, 1961.

BILL No. 19 OF 1961

A Bill further to amend the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Post Office (Amend- Short title
ment) Act, 1961. and com-
mencement.

5 (2) It shall come into force at once.

6 of 1898. 2. In section 68 of the Indian Post Office Act, 1898 (hereinafter Amendment
referred to as the Principal Act) for the words "or when required by of section 68,
an Officer of the Post Office neglects or refuses to deliver up" the
words "or does not return to Post Office" shall be substituted.

10 3. In section 69 of the principal Act for the words "wilfully and Amendment
maliciously" the word "knowingly" shall be substituted. of section 69.

STATEMENT OF OBJECTS AND REASONS

Under the present Act no effective and quick action can be taken against a person who knowingly receives or opens any letter or postal article which ought to have been delivered to any other person.

The Bill seeks to make the provisions of the present Act more effective so that quick and immediate action may be taken against offenders under this Act.

RAM KRISHAN GUPTA.

NEW DELHI;

The 14th February, 1961.

BILL No. 22 OF 1961

A Bill to merge all subsidiary banks with State Bank of India.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Subsidiary Banks Merger Act, 1961. Short title and commencement.

5 (2) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definition

(a) "appointed day" means the date on which Subsidiary Banks are merged with the State Bank of India;

2 of 1934 10 (b) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;

23 of 1955 (c) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955;

38 of 1959 15 (d) "Subsidiary Bank" means any new bank constituted under the State Bank of India (Subsidiary Banks) Act, 1959, and includes the Hyderabad Bank and Saurashtra Bank.

3. With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, all subsidiary banks shall be merged with the State Bank of India. Merger subsidiary banks.

Branches.

4. The Branches of all the subsidiary banks merged with State Bank of India established before the appointed day shall be considered as branches of State Bank of India.

Under-
takings.

5. Subject to the other provisions contained in this Act the undertakings of the subsidiary banks shall stand transferred to, 5 and vest in the State Bank.

Conditions
of service
etc. of em-
ployees.

6. Save as otherwise provided in this Act, every employee of subsidiary banks in the employment of these banks immediately before the appointed day, shall, on and from that day, become an employee of the State Bank of India, and shall hold his office or 10 service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held as an employee of the State Bank.

Directions
by Govern-
ment.

7. For the purpose of facilitating the full and effective transfer 15 of the undertaking of subsidiary banks in accordance with provisions of this Act or in order to remove any difficulty which in the opinion of the Central Government has arisen or is likely to arise in connection with such transfer, the Central Government may in consultation with Reserve Bank, give such direction to any 20 subsidiary bank or the State Bank as appear to it to be necessary and the said bank or the State Bank as the case may be, shall comply with such directions.

STATEMENT OF OBJECTS AND REASONS

The purpose of the present Bill is to merge all subsidiary banks constituted under the State Bank of India (subsidiary banks) Act, 1959 including the Hyderabad Bank and Saurashtra Bank with State Bank of India so that all Government Banks may become part and parcel of State Bank of India. By doing so the efficiency of the banking system will be improved and all Government Banks will come under one system.

NEW DELHI:
The 14th February, 1961

RAM KRISHAN GUPTA.

BILL NO. 9 OF 1961

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, Short title. 1961.

5 2. In Article 226 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

Amendment
of Article
226.

10 “Provided that nothing in this article shall be deemed to preclude a High Court within whose jurisdiction any cause of action arises from issuing to the Government of India any such direction, order or writ merely on the ground that the seat of that Government is not within the territories in relation to which the High Court exercises jurisdiction”.

STATEMENT OF OBJECTS AND REASONS

Under several decisions of the Supreme Court, it has been held that any High Court other than the High Court of Punjab cannot issue any direction, order or writ under Article 226 of the Constitution to the Government of India because the seat of the Government of India is not located within the jurisdiction of that High Court. This causes unnecessary hardship to various persons to proceed against the Government of India under that article, even if they have a just grievance. The Law Commission has recommended the removal of this anomaly. Hence this Bill.

NEW DELHI;
The 24th February, 1961.

C. R. PATTABHIRAMAN.

M. N. KAUL,
Secretary.

